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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,730	10/16/2003	Avi Matatov		1766

7590 06/20/2006  
Stephen E. Feldman, P.C.  
12 East 41st Street  
New York, NY 10017

EXAMINER

MISKA, VIT W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,730

Applicant(s)

MATATOV, AVI

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard in view of the new reference cited to Affolter. Howard discloses a watch mechanism including plurality of movements 20,22,24,26,28 each having a face as shown in Fig. 1, and capable of operating independently of each other, case 12, top side crystal 16, bottom side 14 and side edges as shown in Figs. 3 and 6. The reference does not specifically indicate that each movement is capable of operation following removal of any of the other movements. However, one of ordinary skill in the art would recognize that the purpose of the device is to provide separately operable and settable movements in a watch device (see col. 2, lines 18-21). Thus, it would be obvious for one of ordinary skill in the art to make the movements completely independent such that each may be removed without affecting the operation of the other.
2. Howard does not specifically describe the rear side as being curved. However, it is conventional to match the bottom of a wristwatch to the curvature of a wrist, as shown in Affolter at 3. Thus, it would have been obvious for one of ordinary skill in the art to provide curvature to the back 14 of Howard's timepiece to comfortably fit the watch to a wrist, as taught by Affolter.

3. With respect to the "top side including scratch resistant surface to allow clear view of the movements", crystal 16 in Howard corresponds to this structure. It is noted that applicant's specification at page 6, last two lines describe the crystal 9 as "allowing clear view of the watch dials" and consequently, crystal 16 in Howard is considered in the same manner as allowing viewing of the watch dials 24,26,28,30. With respect to the term "scratch resistant" pertaining to the crystal, Official notice is taken of the conventional use of scratch resistant glass as watch crystals to minimize damage and wear to the front of the timepiece, the use of the same in Howard for this purpose therefore being suggested to one skilled in the art.

4. Regarding claim 2, a power source is not mentioned in the reference; however, for electrical timepieces such a power source would be an obvious part of the movement for ensuring independent operation. With respect to claim 3, the size of the movements would be an obvious design variable selected to accentuate the relative significance of each movement. Claim 4 is met in the reference with one of the movements being a chronograph mechanism (time measuring).

5. Claims 9,10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Affolter, as applied to claim 8, above, in further view of the GB Patent to Yeung (2,194,081). The latter reference teaches the securing of a movement 2 of a timepiece in an opening 5 of plate 1. It would be obvious for one of ordinary skill in the art to mount each of the movements in Howard frictionally in this manner to secure the

movements within the watch housing structure. Regarding claim 10, the shape of each movement and the watch case would be obvious design criteria of decorative and aesthetic value which have not been shown to have criticality in operation of the device.

6. Applicant's remarks have been given careful consideration, but have not been found persuasive. The additional amendment to the claims has been identified as being conventional form the reasons set forth above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

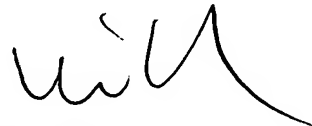
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2841

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vit W. Miska  
Primary Examiner  
Art Unit 2841

VM  
6/12/2006